


Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through 06/30/2008. OMB 0651-0031

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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) | |
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| | | 04880013aa | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____ | Application Number | Filed | |
| | 10/587,517 | July 27, 2006 | |
| | First Named Inventor | | |
| | Noriyoshi Sonetaka | | |
| | Art Unit | Examiner | |
| | 2169 | Obisesan | |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. | | | |
| This request is being filed with a notice of appeal. | | | |
| The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. | | | |
| I am the | |  | |
| <input type="checkbox"/> applicant/inventor. | | Signature | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | | Michael E. Whitham | |
| | | Typed or printed name | |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration number 32,635 | | 703-787-9400 | |
| | | Telephone number | |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ | | August 28, 2008 | |
| | | Date | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. | | | |

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| <input checked="" type="checkbox"/> | *Total of 1 forms are submitted. |
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Noriyoshi Sonetaka

Confirmation No. 2554

Serial No. 10/587,517

Group Art Unit: No. 2169

Filed July 27, 2006

Examiner Obisesan

For PORTAL SITE PROVIDING SYSTEM AND SERVER, METHOD,
PROGRAM USED IN THE SYSTEM

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief Request for Review is being concurrently filed with a Notice of Appeal and a petition for a two month extension of time.. If any additional fees are required to satisfy the fees due for the Notice of Appeal or the petition for extension of time or to gain entry and consideration of this Pre-Appeal Brief Request for Review, the Commissioner is authorized to charge Attorney's Deposit Account 50-2041 (Whitham, Curtis, Christofferson & Cook, P.C.).

The Invention

The invention, in its most general embodiment, is drawn to a device (claims 1-12), method (claims 13-14), and computer readable medium with stored instructions (claim 20) for customizing a portal site displayed on a portable telephone as an initial screen when using a web service on the Internet with the portable telephone. The claimed invention uses an information stand (a portal site data providing device), for example, such as the one installed at a street shop or the like in a town or city. The SIM of the portable telephone is inserted into the information stand, and then

(a) the portal site of the portal managing server corresponding to a subject user is customized;

(b) the access target for the customized portal site is written onto the SIM;
and

(c) the SIM is put back into the portable telephone, and the customized portal site is obtained and displayed with reference to the access target written onto the SIM.

The independent claims are claims 1, 5, 13, 14, and 20.

Errors and Omissions

The Examiner has misinterpreted what is shown in U.S. Patent 6,721,804 to Rubin and U.S. Patent 6,782,253 to Shteyn, and has therefore incorrectly concluded claims 1-4 and 12-13 are obvious over a Rubin and Shteyn, and that claims 5-11 and 14 are anticipated by Rubin, and that claim 20 is obvious over Rubin in view of U.S. Patent 7,062,511 to Poulsen

The Examiner has also incorrectly concluded that claim 20 is not drawn to statutory subject matter.

The Cited References

The structure of Rubin is for performing conversion processing for a portal device by a conversation module with an intervening portal server when the portal device refers to content of an Internet site. This technique of Rubin is based on the premise that the displaying ability and processing ability of the portal device are limited. Thus, in Rubin, the abilities of the portal device are covered with the portal server

The technique disclosed by Shteyn is such that a beacon in a service-offer-point transmits radio waves to an area in which a mobile device can receive the radio waves. Then the mobile device receives the radio waves to obtain information so as to make an access to a WAN service based on the information. Accordingly, the technique of Shteyn is suited mainly for advertisement and information providing services.

Poulsen describes a method and system for portal web site generation. In operation, based on preference data of a user regarding the appearance and operation of a portal web site, a new portal web site accessible an identified set of

users is generated within a database.

Differences between the Claimed Invention and the Cited References

Rubin and Shteyn and Poulsen are not directed to, and do not describe, changing the portal site for the user's own use. Therefore, they do not disclose an information stand or a portal site data providing device or a utilization target. The claims specify a portal site data providing device, a user-input portal specifying information, and a portable terminal.

Thus, claims 5-11 and 14 cannot be anticipated by Rubin.

The claimed invention and the cited references have a commonality only on the point of using mobile communications and the Internet. However, in Rubin, conversion processing for a mobile device is backed up by a portal server. It is not for customizing a portal site. Further, in Shteyn, the access to a WAN service is made based on the information provided by a beacon. It is not for customizing the site being accessed. Thus, even if Rubin and Shteyn were combined, it is not possible to conduct customization of a portal site using an information stand. Hence, claims 1-4 and 12-13 would not be obvious over a combination of Rubin and Shteyn.

Rubin and Poulsen are related in that they describe portal systems and portal web sites. However, even if they were combined, it would not be possible to conduct customization of a portal site using an information stand. Hence, claim 20 would not be obvious over a combination of Rubin and Poulsen.

Statutory Subject Matter

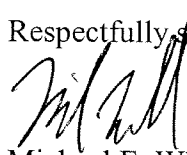
Claim 20 requires a "computer readable storage medium" on which computer executable instructions are stored. Claim 20 specifies that the stored instructions configure a "computer" to perform certain operations, and that these certain operations result in displaying a built portal site at a portable terminal. As such, the claim specifies statutory subject matter, and the rejection should be withdrawn.

Conclusion

Claims 1-14 and 20 present subject matter which is not anticipated by and not obvious over the references of record, and claim 20 specifies statutory subject matter.

In view of the above, it is requested that the position of the Examiner be reviewed, that the rejections be withdrawn, and that the application be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', is written over the typed name.

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